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*Counsel for Plaintiffs*

In Re Bard IVC Filters Products  
 Liability Litigation

No. MD-15-02641-PHX-DGC

SHERR-UNA BOOKER, an individual,  
 Plaintiff,

v.

C.R. BARD, INC., a New Jersey  
 corporation and BARD PERIPHERAL  
 VASCULAR, an Arizona corporation,  
 Defendants.

**PLAINTIFF SHERR-UNA  
 BOOKER'S NOTICE OF FILING  
 ADDITIONAL QUESTIONS TO  
 BE CONSIDERED FOR JUROR  
 QUESTIONNAIRE**

Plaintiff Sherr-Una Booker, through co-lead counsel for Plaintiffs, hereby requests the Court to consider the following questions and statements for inclusion in the juror questionnaire.<sup>1</sup> Plaintiffs believe that the additional questions will help save time and assist the parties in making meaningful strikes:

<sup>1</sup> Before submitting these additional questions to be considered for the jury questionnaire, Plaintiffs' counsel met and conferred with Defendants' counsel regarding them. Defendants object to the use of these additional questions.

- 1 1. How closely do you follow federal, state and local politics? (Choose one)
- 2 ☐ Very closely
- 3 ☐ Somewhat closely
- 4 ☐ Not very closely
- 5 ☐ Not at all
- 6 2. What political party do you most closely identify with?
- 7 ☐ Republican ☐ Libertarian
- 8 ☐ Democrat ☐ Independent
- 9 ☐ Tea Party ☐ Other
- 10 3. Do you consider yourself to be:
- 11 ☐ Conservative
- 12 ☐ Moderate
- 13 ☐ Liberal
- 14 4. Have you, your relatives or anyone close to you ever had the opportunity to sue, or
- 15 thought about suing, but chose not to? ☐ YES ☐ NO
- 16 If yes, please explain: \_\_\_\_\_
- 17 \_\_\_\_\_
- 18 5. Do you think the media has been unfair to any of the Defendants?
- 19 ☐ YES ☐ NO ☐ DON'T KNOW
- 20 If yes, which one(s) and please explain: \_\_\_\_\_
- 21 \_\_\_\_\_
- 22 6. Even though I have read or heard press reports about Defendants or IVC filters, I feel I
- 23 can decide the case on the evidence presented in court and the court's instruction of law.
- 24 ☐ Strongly Agree ☐ Agree ☐ Disagree ☐ Strongly Disagree
- 25 7. If the court's jury instructions conflict with my conscience, attitude or belief about what
- 26 the law should be, I would follow my conscience.
- 27 ☐ Strongly Agree ☐ Agree ☐ Disagree ☐ Strongly Disagree
- 28 8. Check the box that best fits your opinion: *Lawsuits are costing us all too much money.*
- ☐ Strongly Agree ☐ Agree ☐ Disagree ☐ Strongly Disagree
9. Check the box that best fits your opinion: *Lawsuits against product manufacturers are mostly frivolous.*
- ☐ Strongly Agree ☐ Agree ☐ Disagree ☐ Strongly Disagree

10. Check the box that best fits your opinion: *Whatever the facts, I would have a hard time awarding money to a plaintiff suing a medical device company.*

☐ Strongly Agree ☐ Agree ☐ Disagree ☐ Strongly Disagree

11. Check the box that best fits your opinion: *Whatever the facts, I would always find against the company that manufactured the medical device.*

☐ Strongly Agree ☐ Agree ☐ Disagree ☐ Strongly Disagree

12. Check the box that best fits your opinion: *In a trial, it would be difficult for me to believe the testimony of a plaintiff suing for money damages.*

☐ Strongly Agree ☐ Agree ☐ Disagree ☐ Strongly Disagree

13. Check the box that best fits your opinion: *In a trial, it would be difficult for me to believe the testimony of an executive from a large medical device company.*

☐ Strongly Agree ☐ Agree ☐ Disagree ☐ Strongly Disagree

14. I would sue if a family member was injured by the negligence of another.

☐ Strongly Agree ☐ Agree ☐ Disagree ☐ Strongly Disagree

15. Check the box that best fits your opinion: *Sometimes lawyers file lawsuits in an attempt to take unfair advantage of wealthy corporations.*

☐ Strongly Agree ☐ Agree ☐ Disagree ☐ Strongly Disagree

16. Check the box that best fits your opinion: *Most American companies are honest and ethical.* ☐ Strongly Agree ☐ Agree ☐ Disagree ☐ Strongly Disagree

17. I could never award punitive damages to punish a defendant even if there was evidence that justified it. ☐ Strongly Agree ☐ Agree ☐ Disagree ☐ Strongly Disagree

18. If a person was seriously injured because of the negligence of another, could you award compensation to the person for the following: (That is, are you philosophically in favor or opposed to awarding compensation to the injured person for the following?) Check one:

	Could	Could Not
Medical expenses	<input type="checkbox"/>	<input type="checkbox"/>
Lost Income	<input type="checkbox"/>	<input type="checkbox"/>
Pain and mental anguish	<input type="checkbox"/>	<input type="checkbox"/>

If you answered, "Could Not" to any of the above, please explain why.

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19. In a civil case, the burden of proof is by a preponderance of the evidence (more probable than not), in contrast to a criminal case where the burden of proof is beyond a reasonable

doubt. Would you require greater proof than a preponderance of the evidence before you could award compensate for pain and mental anguish? ☐ YES ☐ NO

If yes, please explain: \_\_\_\_\_

20. If you or a family member had suffered serious bodily injury because of a defective product, would you sue the manufacturer? ☐ YES ☐ NO

#### STATEMENT OF THIS CASE:

The plaintiff, Sheri Booker, a 48 year old woman, had a Bard G2 IVC filter placed in her inferior vena cava (IVC), the vein that carries blood back to the heart. An IVC filter is intended as a preventative measure to catch blood clots before they reach the heart or lungs. Defendants Bard, designed, manufactured and sold the G2 filter. Bard intended the G2 to remain in the body as a permanent medical device.

At some point, after the G2 filter was implanted, it perforated Ms. Booker's inferior vena cava and also fractured into pieces. One of the fractured pieces migrated to Sheri Booker's heart requiring her to undergo open heart surgery. The plaintiff claims that the Bard G2 filter is defective and unreasonably dangerous and that Bard was negligent in designing, marketing and selling the filter and that Bard failed to warn the medical community of the known defects in their filter. Plaintiff alleges that Bard is liable for both compensatory and punitive damages.

Bard denies that their filter was defective, that they failed to warn the medical community of known defects in their filter, that they were negligent in designing, marketing or selling the IVC filter or that they are responsible for any injuries or damages suffered by Sheri Booker.

RESPECTFULLY SUBMITTED this 15<sup>th</sup> day of December, 2017.

GALLAGHER & KENNEDY, P.A.

By: /s/ Mark S. O'Connor

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 15<sup>th</sup> day of December 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Gay Mennuti